

REMARKS

The examiner has made a requirement for election of species, having identified species 1 (claims 31-44, 45-52 and 62), species 2 (claims 53-58 and 63), and species 3 (claims 59-61 and 64). The examiner has stated that there is no generic claim.

Applicant submits that the requirement for election of species is not proper and should be withdrawn.

The practice regarding a requirement for election of species is governed by 37 CFR 1.146, which only permits a requirement for election of species in the case of an application containing a generic claim. Since the examiner has indicated that no claims are generic, there is no basis for a requirement for election of species.

Applicant gratefully acknowledges the courtesy extended to the undersigned representative during the telephone interview with the examiner on or about October 24, 2007, during which the undersigned representative asked whether the examiner had intended to make a requirement for restriction. The examiner insisted that he did, in fact, intend to make a requirement for election of species.

Under protest, applicant elects species 1. Since the examiner has defined species 1 with reference to claims and not with reference to an embodiment, applicant may not take any position other than that claims 41-44, 45-52 and 62 are readable on the species 1.

Applicant reserves the right to file one or more divisional applications with respect to non-elected subject matter.

Respectfully submitted,



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